

Remarks:

Reconsideration of the application as amended is respectfully requested. In the first Office Action, claims 1-4 were rejected in light of a patent issued to Burke in view of Lavard and Widdemer. The examiner's comments provide that "Burke discloses a magnetic apparel....Further, a magnet is embedded within the belt member, col 3, lines 50-55." However, the cited provisions of the patent instead disclose a flexible lead (i.e. wire) having a bonding member at a distal end (i.e. magnet) to connect the lead to a grounding structure. The document does not remotely disclose or suggest *a magnet embedded within a belt member* for magnetically retaining a plurality of metal fasteners or other accessories as claimed and described in the present application. In fact, the magnet of Burke neither contacts nor is positioned on the belt. Additionally, a magnet on a distal end of a lead could not possibly function as an accessory retainer for a worker wearing the belt as is the case with the present invention. Additionally, the patent discloses no means for securing accessory items directly to the belt.

Regarding Lavard, attorney for applicant does not understand which claims or elements that it is purported to disclose or suggest. Lavard discloses a vest having a flexible sheet with magnets thereon. The device in no way describes or discloses a belt having a magnet embedded therein.

Finally, the examiner also cited the patent to Widdemer as disclosing a glove having a magnet embedded therein. The device in Widdemer is a glove having a *pair of exposed* magnetic tabs on the *palm* side thereof adjacent the wrist for fastening the glove about a wearer's hand. Conversely, the present invention as claimed includes a magnet *embedded* within a *backhand* portion of the glove for retaining accessory items. Additionally, the present invention as claimed includes a separate fastener for securing the glove to a wearer's hand. The examiner

has in essence applied the magnetic tabs to anticipate both the securing fasteners adjacent the wrist and the magnet embedded within the backhand portion. Not only are the structural differences between the two gloves significant, the glove in Widdeman could not be used to retain ferrous accessory items unless the tabs were disengaged, in such event, the glove would not be secured to the user's hand.

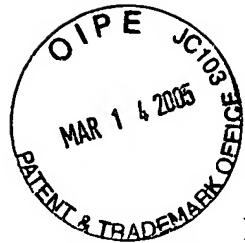
In addition to the above described structural differences between the present invention and the devices disclosed in the above referenced patents, none of the references disclose or remotely suggest a plurality of fasteners positioned on said belt member and a magnetic accessory apparel item removably securable to said fasteners as claimed. Not only are the above referenced patents each structurally different, the examiner has not explained how it would be obvious to combine the features of each to form the present invention. Only the vest in Lavard includes magnets for retaining tools but it does not include a belt or a magnetic glove securable thereto. The belt of Burke merely addresses the dissipation of electrostatic energy by including conduits therein. The device in no way deals with magnetically securing accessory items to the belt and certainly does not disclose or suggest fastening a magnetic glove thereto. Additionally, the examiner neither cited references against nor discussed the magnetic wristband or belt clip as disclosed in claims 3 and 4. For the foregoing reasons, applicant respectfully avers that the pending claims are allowable in light of the references cited herein.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia 22313 on this 9th day of March, 2005.

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Kenneth L. Tolka (Signature)

3. 9. 05 (Date)